

REMARKS

This application has been reviewed in light of the Office Action dated January 2, 2003. Claims 1-14 are presented for examination. Claims 1, 13, and 14, the only claims in independent form, have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action rejected Claims 1-3, 8, 13, and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,233,251 (Kurobe et al.); and rejected Claims 4-7 and 9-12 under § 103(a) as being unpatentable over Kurobe et al. in view of U.S. Patent No. 5,375,068 (Palmer et al.). Applicant submits that independent Claims 1, 13, and 14, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to a communication apparatus that performs data communication via a communication network. The apparatus includes a packet transmitter, a detector, and a controller. The packet transmitter transmits image data in packets, wherein the image data is divided into packets of variable packet size. The packet transmitter also transmits sound data in packets, wherein the sound data is divided into packets of invariable packet size. The detector detects an amount of sound data to be transmitted in packets. According to a detected decrease in the amount of sound data to be transmitted in packets, the controller increases the variable packet size of the packets of image data to be transmitted and decreases an amount of sound data to be transmitted by the packet transmitter.

Kurobe et al., as understood by Applicant, relates to a multiplex transmission system. Kurobe et al. teaches that a fixed-length field is divided into variable-length slots. Apparently, the length of a second variable-length slot is increased/decreased depending on the length of a preceding first variable-length slot. (See the Abstract and Fig. 1.)

Nothing has been found in Kurobe et al. that is believed to teach or suggest a communication apparatus that performs data communication via a communication network, wherein the apparatus includes "a packet transmitter adapted to transmit image data in packets and to transmit sound data in packets, wherein the sound data is divided into packets of invariable packet size and the image data is divided into packets of variable packet size," and "a detector adapted to detect an amount of sound data to be transmitted in packets," and "a controller adapted to increase the variable packet size of the packets of image data to be transmitted and to decrease an amount of sound data to be transmitted by said packet transmitter, according to a decrease in the amount of sound data to be transmitted in packets, as detected by said detector," as recited in Claim 1.

More specifically, according to Claim 1, when the detector detects a decrease in the amount of sound data to be transmitted in packets, the controller increases the variable size of packets of image data to be transmitted and decreases the amount of sound data to be transmitted by the packet transmitter. (See, for example, (e)(f) and (g)(h) of Fig. 3, and page 13, line 19 *et seq.* of the specification.)

As understood by Applicant, Kurobe et al. discloses that both audio data and video data are transmitted in variable-length slots 1 and 2 (see column 26, lines 17-27). Kurobe

et al. also is understood to disclose that the length of variable-length data depends on the length of multiplexed fixed-length data (see, for example, column 14, lines 11-18). However, Kurobe et al. is not understood to disclose or suggest the control feature of Claim 1, in which, when the detector detects a decrease in the amount of sound data to be transmitted in packets, the controller increases the variable size of packets of image data to be transmitted and decreases the amount of sound data to be transmitted by the packet transmitter.

Accordingly, Applicant submits that Claim 1 is not anticipated by Kurobe et al., and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claims 13 and 14 include a control feature similar to that discussed above. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from Claim 1 and, therefore, are submitted to be patentable for at least the same reasons as presented above. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

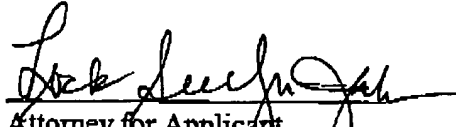
In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our New York Office by

telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


Attorney for Applicant
Lock See Yu-JAMES
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 319216v1

In re Application of:

SHUICHI OKAMURA

Application No.: 09/057,556

Filed: April 9, 1998

For: IMAGE COMMUNICATION APPARATUS, IMAGE
COMMUNICATION METHOD, AND RECORDING
MEDIUM WHICH STORES THE METHOD

Docket No. 03560.002163

Examiner: S. Tsegaye

Art Unit: 2662

Date: April 2, 2003

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 14	MINUS	** 20	= 0	x \$9 \$18	0
INDEP. CLAIMS	* 3	MINUS	*** 3	= 0	x \$42 \$84	0
Fee for Multiple Dependent claims \$140°/\$280						0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT--						0

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

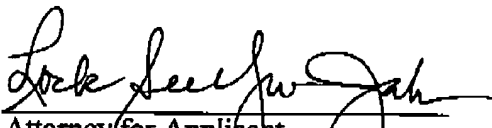
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

☐ °Verified Statement claiming small entity status is enclosed, if not filed previously.

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Charge \$_____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.
- ☐ A check in the amount of \$_____ to cover the fee for a _____-month extension is enclosed.
- ☐ A check in the amount of \$_____ to cover the Information Disclosure Statement fee is enclosed.
- ☐ Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Attorney for Applicant
Lock See Yu-Attorney
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

Form #120

NY_MAIN 318213v1